

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

BRYANT'S TEAM SPORTS, INC., a
Florida corporation

Plaintiff,

v.

Case No.: 2:18-cv-786-FtM-38MRM

MIZUNO USA, INC.,

Defendant.

ORDER¹

Before the Court is the parties' Joint Motion to Dismiss the Notice of Appeal and for Dismissal with Prejudice ([Doc. 79](#)). This case is closed, with judgment entered and an appeal taken. The parties recently settled, but it does not appear the Eleventh Circuit dismissed the appeal yet. "As a general rule, the filing of a notice of appeal divests a district court of jurisdiction on any matter involved in the appeal." [Elver v. Whidden, No. 2:18-cv-102-FtM-29CM, 2019 WL 718536, at *1 \(M.D. Fla. Feb. 20, 2019\)](#). To the extent that the parties ask the Court to dismiss their appeal, it cannot do so, and the Motion is denied. As for the other relief the parties seek, they can file a proper motion after the Eleventh Circuit dismisses the appeal.

Accordingly, it is now

ORDERED:

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

The parties' Joint Motion to Dismiss Notice of Appeal and for Dismissal with Prejudice ([Doc. 79](#)) is **DENIED**.

DONE and **ORDERED** in Fort Myers, Florida this 10th day of August, 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record